G. R. S. IX-5]

Previous references.

L.R. 5 – 1888
L.R. 11 – 1889.

1890
~~191~~ .
(L.R.)

File No. 6

Serial Nos. 4, 7, 10, 12 to 19.

Later references.

L.R. 537 – 1902
L.R. 341 – 1905 B Nov. 05 Sec 1–2

GENERAL AND REVENUE SECRETARIAT.

(42)

Serial Nos. 4, 7, 10, 12 to 19.

Part B for May 1895.

SUBJECT.

Compensation for the Extension of Lal-Bagh, to one Ramaswamappa of Doddanawadi, Banga

W D 88—GPB—50,000—24-7-16

Enclosure 23

15-8-90

Section

File No 6

Serial No 4

No 1139

ಕಾಲಿಕ ಪರೀಕ್ಷೆಯ ಸಮಯ

ಕಾಲಿಕ ಪರೀಕ್ಷೆಯ ಸಮಯ

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4

(General Serial No. 29.90)

1890/91

6317
30 SEP 90
407
DEWAN OF MYSORE

From The Dy Commissioner
Bangalore District

To

Section C
No 5
No 10

The Chief Secretary to the Dewan
of Mysore.

(24)

Dated 24th September 1890

Despatched

Received

Enclosures No. 2

General No.

No 467.

Submits report in
respect of the complaint
of one Ramaswamyappa
of Dodmavalli, Bangalore
Taluk, regarding compensation
for his land taken up
for the extension of the
Botanical gardens.

Petition dft
Medrast
DW

as
30/9 Dro

Sd/ 30/9/90

B2
9-10-90

D. No. 467.
Encls 2

By Commissioner's Office.
Bangalore District.
Dated 24th September/90.

(24)

To
The Chief Secretary to the
Dewan of Mysore.

Sir,

With reference to your Official Memo No. 433 dated 29th Ultimo, calling for report, in respect of the complaint of one Ramaswamyappa of Doddmanehalli, Bangalore Taluk, regarding compensation for his land taken up for the extension of the Botanical gardens, I have the honor to state that the petitioner's land, comprizing Part No. 14, measuring A-G 3-28, and assessed at Rs: 5-8-0, was taken up for the purpose and the amount of compensation fixed was Rs: 462-8-0 at Rs. 125 per acre, as in the case of the other Survey Nos taken up. This was sanctioned in the Proceedings No. 3127 + 9 / 15-5 dated 29th July 1889. X

2. The petitioner refused to receive the amount on the ground

X Vide Lr. 5-1889 & G

that he acquired the same by purchase for Rs: 1000/. and claimed that amount, as per deed of sale plus Rs: 150/ said to have been advanced by him for sinking wells on the land.

3. The amount of compensation was not fixed by Panchayetdars, but by Mr. Cameron and the Amildar of Bangalore Taluk, who settled it for all the Nos taken up. They did not allow the petitioners claim on the ground that the sale deed referred to was a fraudulent one got up in anticipation of the land being taken up by Government (vide extract from their joint report enclosed herein)

4. It may here be stated that in the case of the other "Paikedars" and the owners of other adjacent Nos taken up, the amount of award was the same viz: Rs: 125/. per acre.

5. Under these circumstances it was thought that the claim of the petitioner was not deserving of consideration and the petitioner appears to have been verbally told

Extract of Joint report by Messrs B. Seetaramiah & J Cameron regarding the Compensation payable for lands acquired for the extension of the Government Botanical gardens at Bangalore.

× × × × × × ×

3. Last year 2 Survey Nos, which were in the holding of private individuals were purchased at Rs: 125/- per acre, for the use of the Lal Bagh. These lands are being planted this year. The lands proposed to be purchased now, are adjoining the above. Having regard to the said rate, compensation at Rs: 125/- has been fixed in the case of the lands under reference

× × × × × × × × × ×

5. Survey No 14 is owned by 2 private individuals. The first of these, Appareddy is the Pattadar. When he was called and asked about the acceptance of the rate for his share,

he said he had sold his holding to one Moonisawmy: This man has produced a sale deed executed by the Pattadar a few days before we decided to take up the lands for Rs: 1000/. The Pattadar was with us when we first walked over the ground, and knowing the intentions of Government, seems to have given the false sale deed. We are therefore not inclined to admit his claim, but he is entitled to the same amount as the others.

x x x x x x x x x x x x x

/Signed/ B. Seeta Ramaiah
Amildar
Bangalore Taluk

/Signed/ J. Cameron
Superintendent
Lal Bagh

1st July/90

"Extract"

M Munaiks
for Deputy Commissioner

(26)

Section
File No
Serial No

Read,

Letter from the Deputy Commissioner, Bangalore District, No. 467. dated 24th September 1890

1c 9358/380 & 18/22 — 11 — 90

Order

The Deputy Commissioner's report does not advance the Complaint one step towards redress - The practice, which has more than once been noticed in the Bangalore Dist., of sending up for Govt sanction a statement of Compensation without Consulting and obtaining the agreement of the owners who are entitled to be Compensated and which therefore is nothing more than the bare opinion of the Officer drawing up the statement, is strongly

As to what may be offered

C
6 89

deprecated and has often led to considerable embarrassment. In the present case, steps should at once be taken by the Deputy Commissioner to fix and offer a reasonable compensation. If it be not accepted, proceedings should be taken under the Land Acquisition Act.

Chief Secy

To.

The Dy Comm. Bangalore

Dist.

R

1890.

To

The Dy Comm. Bangalore

Dy 18 Nov 1890.

No 9358 R
380.

Passing orders directing that steps should at once be taken by the D.C. to fix and offer a reasonable compensation for the land taken up for the extn of the Botanical Gardens, which if not accepted, proceedings should be taken under the Land Acquisition Act.

General Serial No. 28.

14

1893-94-27

From The District Judge
Nandidroog Division

To The Dy Commissioner
Bangalore

Dated 16th August 1893

Despatched

Received

General No. 350
No. 60 } 189

Enclosures—Number. 1
His No. 169 dd 2nd May 1892

Referring to the above, has the honor to forward herewith, for information copy of Judgment or award passed in O.S. No. 30 of 1892, on the file of this Court.

Deputy Commissioner's Bangalore 28 Rajaswam

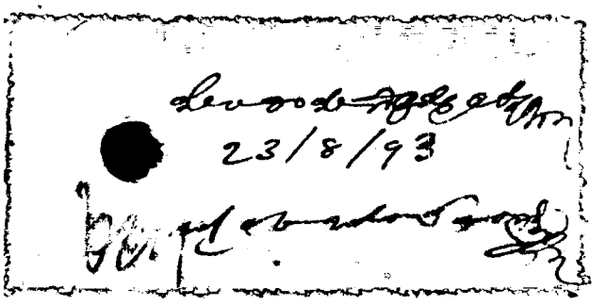
Signed T. Munro Resident

" Copy District Judge.

Registered

For Dy Commissioner.

1864



In the Court of the District Judge.
Nandidroog Division

Bangalore the 28th day of July 1893

Before J. Narahari Rao Esqr, M.A.L

District Judge

Original Suit No: 30 of 1892.

The Deputy Commissioner,
Bangalore District. } Plaintiff

Caps 1.6.9.

vs

Ramasamy Defendant

Judgment or Award.

This is a reference by the Deputy Commissioner, Bangalore District, under the Land acquisition Act for Compensation to be awarded being settled.

2. The reference made by the Deputy Commissioner is as follows: —

(1) Under Section 15 of the Land acquisition

DISTRICT COURT • SNO 15 AND 16 NUNDIDROOG DIVISION

Form No. D.

| | | |

D. Thiruvenkadam
Sub Divisional Officer
Tiruvallur

Rs 200 — — alleged to have been advanced by him for sinking a well on the land and interest thereon from the date of the acquisition of the land.

(3) Mr Cameron and the Amildar did not allow his claim on the ground that the amount referred to was very high. —

(4) It may be stated here that in the case of the other Pykidars in the same number and the owners of the other adjacent lands taken up for the purpose the amount of award was fixed at the same rate, viz Rs 125 — — per acre.

(5) It is also reported that in the year previous to these lands being taken up, 2 other survey numbers in the holdings of private individuals were purchased by Government at the same rate.

3. The Defendant filed the following written statement.—

(1) On 5th September 1884, the Defendant purchased the land in dispute for the purpose of making it into an apple garden from its owners Appiredy for Rs 1000—— and obtained a registered document dated 9th March 1889 evidencing the sale.

(2) The reports living about the land in dispute are untrue. There is not sufficient land. Each acre of land is being sold for not less than Rs 250——. There are many persons ready to purchase lands at this rate.

(3) Persons owning lands around the land in dispute prefer dry lands to wet lands. If the Defendant wants to purchase lands near and about the land in dispute

97

Bangalore City, as his apeon.

9- The suit Came on for final disposal on 27th and 28th July 1893

10. The Parties were represent=ed as before.

11. The Plaintiff Examined two witnesses and filed the follow=ing Exhibits

A Memorandum dated 6th July 1889 submitted by Mr. Jame=son and Mr. Seetharamiah, Amildar of Bangalore.

12- The Defendant Examined 4 witnesses and filed the follow=ing Exhibits:—

No 1 Sale deed dated 9th March 1889 for Rs 1000— executed in favor of Ramaswamappa by Appendor

No 2. Agreement dated 5th Sep=tember 1888 to sell land for Rs 1000— and acknowledging receipt of Rs 1000— thereof.

No 3. Notice dated 13th March 1889 from Bangalore Taluk Office

to.

to Appriddi

13. Concurring with the opi-
-nion of the assessors for both
parties recorded at p40 of the
proceedings and signed by both
the assessors, the Court decrees
that the market value of the
land in question (Consisting
of three acres and twenty eight
Goontas) is Rs 740 —— (seven-
hundred and forty rupees, at
the rate of two hundred rupees
per acre); and that the Defts.
is entitled to be paid this sum
and to no other item of Com-
pensation under any other
clause of Section 24 of the Land
Acquisition Act.

14. As the amount awarded
exceeds the sum tendered by the
Deputy Commissioner, the De-
fendant is entitled to be paid
his Costs.

15. The grounds for the award are
as.

as follow.

16. The defendant has failed to prove, by satisfactory evidence that he paid the purchase money to his Vendor as under Exhibit No 1.

17. That the transaction evidenced by Exhibit No 1 is a Nominal and Colorable transaction, entered into, with a view to obtain enhanced Compensation from Government is Clear from the fact that the defendant and his vendor say that one Currency Note for three hundred rupees formed part of the Consideration given by the Defendant to his vendor. No Currency Note for three hundred rupees Exists.

18- From the evidence of the defendants 3d and 4th Witnesses, supported as it is by the testimony of the plaintiffs 2d witness, the Market value of the land in question appears to be and

D

85-21.

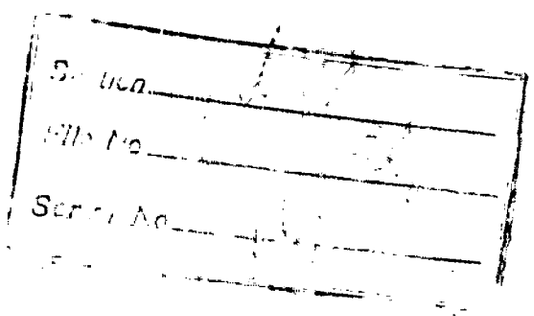
(General Serial No. 30.) 20 Nov 93

1893-94 R 1504

Rev 41
20/11
1 of 21

From The Dy Commissioner
Bangalore District

To The Chief Secretary
to the Dewan of Mysore.



Dated 17th November 1893.

Despatched 18th Do

Received

28

Enclosures No. 3.

General No.
D No. 584

In continuation of this
Office No. 396 dated 21st
September last, regarding
the paiyment of compensation
to one Ramaswamiah
for his land in Ameipur
village, Bangalore Taluk
taken up for the Botanical
Garden, has the honor
to submit for orders, the
accompanying petition
of the said Ramaswamiah,

To

The same and the Comptroller
No 10166-7
1-93 Dt 30/12/93

claiming percentage
and interest under
Section 42 of the Land
Acquisition Act.

[signature]

For by Commissioner.

WM

Section
File No
Serial No

(29)

Read:-

Correspondence ending with docket No 3969 of 21st September 1893 from the Dy. Commr. Bangalore District

Order thereon: No 10166-7 RT 111-93-4 dt 30-12-93 / 3-1-94 A portion of Survey No. 14 in the holding of one Rama-Swamappa of Dodmavhalli in the Bangalore Taluk, — measuring 3 acres and 28 guntas and assessed at Rs. 5/8/- was taken up for the extension of the Govt Botanical Gardens, and a Compensation of rupees 462-8-0, at Rs. 125 per acre, was offered to the owner by ~~the Deputy Commr.~~ The owner declined to accept the amount on the ground that he had purchased the land for Rs. 1000 ~~and had advanced a Sum of Rs. 1600~~ for Sinking a

Read also D.O. No 58 dt 17 Nov 93 from the Dy. Commr. Bangalore.

→ Wh amount he Claimed and also a sum of Rs 200 alleged to have been advanced by him

a well in the land. Mr
Cameron and the Taluk
Amildar, ~~who fixed the~~
~~amount of Compensation,~~
~~refused to grant the amount~~
~~claimed by the owner, on the~~
~~ground~~ that the Sale deed
produced by him ~~was a~~ appeared to be
~~fraudulent~~ one got up in
anticipation of the land
being taken up by Govt.
2. The Deputy Commr.
referred the case to the
Distrct Judge, Nandydroog
Division, for decision under
the provisions of the Land
Acquisition Act. The Distrct
Judge ~~awarded a compen-~~
~~sation of Rs. 740~~ taking
the market value of the
land at Rs. 200/- per acre,
and holding that the affair
of the Sale deed was a nominal

would not allow
this Claim on
the ground that
it was excessive
and

in O.S. No 30 of 1892
on the file of his Court.
has taken

and Colorable transaction

has awarded ~~Rs~~ 740 as the Compensation payable under Sec 24 of the Act & ~~Rs~~ 48 as

and colorable transaction, and ordered a further Sum of Rs. 48 being paid to the defendant on account of court costs, making a total of Rs. 788/-. The Dy. Commr ~~now~~ requests Sanction to pay this amount to Rama Swamappa, ~~which is taken by Sanctioned~~ and

	Rs.
Amount of compensation for the land	740-0-0
Court costs payable to the defendant	48-0-0
Total	788 Rs

11/11/43

Chief Secretary.

To. 10/11/43

The Dy: Commr Bangalore Distt:

"Comptr to the Govt of Mysore

further submits for Hon "Ramaswamiappa's claim for a further Payt of 15% on the Compensation awarded & other with interest on the total amt of Compensation & Percentage -

2 Under the Cir

under Sec 42 of the Act

above received Question
is accorded to the
Respt of £48 as Court
Costs and of £40+15
per cent thereon viz £111=)
8.57 together with interest
Calculated (from date
of this decision
upto and) the
Amount should be
paid at once into
the Debt Judges Court in settlement of all
Claims.

(at 6% per annum)

Draft for a/c

(with a memorandum of account)

3 Ordered that
the Case was referred
to the Civil Court because
the Owners appeal
an Offer made by
the Arbitrator to the
Respt of the £ at Bang.
It does not appear that
the Respt ever brought
his own witnesses
to bear upon the case
make an award
and ~~made an~~ ~~ordered~~

Whilst I was in hand
I made the order
under the rules contained in Bro
2328 £ 1 8 0 —
380.

To the Registrar
of the Civil Courts
Bangkok
30/11/20

Gen. Serial No. 31.]

(32)

1894/95

DEWAN'S OFFICE 1892 13 AUG 94 R 46

From.

The Dy Commissioner,
Bangalore District

To

The Chief Secretary
to the Dewan of Mysore

Dated 8th August 1894

Despatched 13

Received

Enclosures No. 1

General No.

D No. 165

Section

File No

Serial No

The Government Proceedings No. 10166-7 R.A. 111-93-4 dated 30th December 1893, anent the payment of compensation to one Ramaswamiah for lands taken up for the extension of Botanical Gardens, Bangalore.—

To

The Same &c 3664 D 30/8/94. RA 111-93

Adverting to the above, has the honor to submit for orders

a bill presented by the Public Prosecutor for fees due to him.

2. The amount awarded by the Court of the District Judge, Kandy-Nuwara Division is Rs. 37/- but Mr. Rama Rao claims Rs. 50/-

In Remarks

for Commissioner

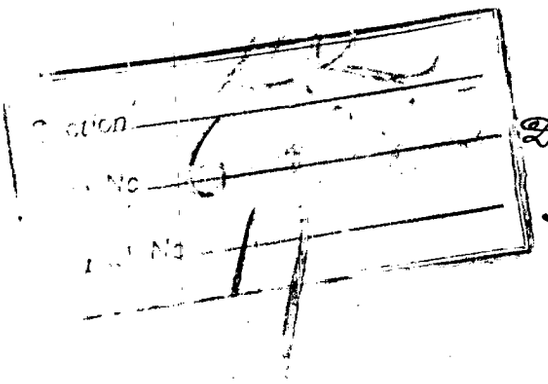
Gen

1894-95. (33)

Draft

To.

The Deputy Commr.
Bangalore District



Dated. 30-8-94
1-94
No 3664.
R.T. 111-93

His docket No. 165-8 8th August 1894 Submitting a bill for Rs. 57-8-0 on account of fees due to Mr. Rama Rao, Public Prosecutor for having appeared on behalf of the Dy. Commr. in O.S. No. 30 of 1892 on the file of the Distn. Judge's Court, Nandidoorg Division, in the matter of the compensation claimed by one Ramaswamaiya of Dodmavalli, Bangalore Taluk, for his land taken up for the extension of the Govt. Botanical Gardens.

With reference to the above has the honor to request

the

the Deputy Commr will be good enough to ascertain from Mr Ramakao and report for the orders of Govt the grounds on which he claims Rs. 57-8-0. while the amount allowed by the District Judge is Rs. 37 only

"By Order"

30/8/11

for Chief Secretary.

29/8/11

Gen. Serial No. 31.]

Section

File No 6-1

Serial No 18

From

1894 30 DEC 94 R1040 34

The Dy Commissioner
Bangalore District.

To The Chief Secretary
to the Dewan of
Mysore.

Dated 17th Sept/94.
Despatched 19th do/94.
Received

Enclosures No. 1

General No.
D No. 365

The Chief
Secretary's No 3664
R Fl 111-93
dated 30th ultimo
calling for explanation
with reference to a
bill on account of
fees to Mr Rama Rao
Public Prosecutor
in O.S. No 30 of 1892
on the file of the
District Judge's Court
Nandidroog

Submitted for orders
21/9/94

To the Public Prosecutor
Public Works Chief Secy
Yr
File put up.
9/9/94
21/9/94

Yr
12/9/94

Q. 3/1. 1895
No. in Civil Court letter file 1895

This is addressed to the Chief Secy. but having connected with the Division of the Zilla Bapji, it was to be disposed of in the Forest Br.
2. The addition sought to be sanctioned is Rs 20-8-0 (The Ct's award was 37, & the claim is Rs 57-8-0). I suppose it must be sanctioned. 18/5 Dixon

Mr Rama Rao's explanation not explicit enough. The Ct has awarded Rs 37 as above per Mr R Rao is entitled only to Rs 17/8 and the balance must be paid by the Govt. 21/5/95

Randidroog Division.

I respectfully beg to submit in original letter dated 8th instant from Mr Rama Row furnishing the explanation called for.

M Kumar Rao
for Deputy Commr.

(A 286-7
27.2.95)

(35)

read:-

Correspondence ending with letter Dis. 365 dated the 7th Sept 94 from the Deputy Commissioner Bangalore District submitting a bill for Rs 57/8 presented by the Public Prosecutor Kundi-drowg Division, on account of fees due to him in O.S. No 30 of 1892 on the file of the District Judges Court, Kundidrowg Divn.

Section
File No
Serial No

Order No 21278 dt 22/5/95
R-7111-93-94

Mr RamaRao's explanation is not explicit enough. The Court having awarded only Rs 37/- as advocate fee, Mr RamaRao is entitled to the amount plus the ~~costs~~ Rs 7/8 amount of costs incurred.

my name for issue of proceedings. ~~Accordingly~~, the payment of Rs 44/8. accordingly is sanctioned

1 The bill is returned countersigned for the above amount.

22-5-95

General Secretary.

To

The Deputy Commissioner

Bangalore District